

FENWICK

555 California Street
12th Floor
San Francisco, CA 94104

415.875.2300
Fenwick.com

Ethan Michael Thomas
EThomas@fenwick.com | 415.875.2238

October 29, 2024

Hon. Denise L. Cote
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

*Tether may prepare
a proposed order
with a supporting
statement from the
parties who have
appeared.*

Re: Skillz Platform Inc. v. Papaya Gaming, Ltd. et al., No. 1:24-cv-01646-DLC

*Denise Cote
10/29/24*

Dear Judge Cote,

Tether Studios LLC is an Additional Counterclaim-Defendant in this matter. See August 5, 2024 Counterclaims of Papaya Gaming, Ltd. and Papaya Gaming, Inc. (Dkt. 46) and September 23, 2024 Amended Counterclaims (Dkt. 88). Tether writes to respectfully request an order extending the protective order (Dkt. 39) to Tether so that it may meaningfully participate in discovery. I have conferred with counsel for Papaya and Skillz Platform Inc., and neither party opposes the relief sought through this letter motion.¹

The Court entered its protective order in this matter on June 28, 2024 (Dkt. 39). That order, entered before Papaya filed its counterclaims, defines "Party" to mean only "Plaintiff Skillz Platform, Inc. and Defendants Papaya Gaming, Ltd. and Papaya Gaming, Inc., including all of their officers, directors and employees." Thus, Tether is not a party to the protective order.

Good cause exists to bring Tether under the protective order. On October 25, 2024, counsel for Tether and Papaya held a Fed. R. Civ. P. 26(f) conference, and as a result, Tether anticipates that discovery will involve confidential, proprietary, and/or commercially or competitively sensitive information. Further, Tether currently lacks access to sealed pleadings in this matter, as well as discovery exchanged between the principal parties, and that lack of access will prejudice Tether if continued. Finally, materials relevant to Papaya's counterclaims may be subject to confidentiality restrictions, and it would be unduly burdensome to produce such materials without the benefit of a protective order.

¹ Additional Counterclaim-Defendant Golden Wood Company, Ltd. has not yet appeared in this action, and the relief sought through this letter motion does not affect that party.

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Therefore, Tether respectfully asks the Court to enter an order making Tether a party to the protective order (Dkt. 39) and confirming that Tether may proceed with discovery subject to the rights and obligations imposed by that order and the Federal Rules of Civil Procedure.

Respectfully submitted,

FENWICK & WEST LLP

/s/ Ethan M. Thomas

Ethan M. Thomas

cc: All Counsel of record (by ECF)